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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26 DAY OF May 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAI AH

W.P.No: 7144 of 1997

BETWEEN:

Prakash Kotian, aged about 35 yrs.
s/o Narayana Kotian, Prop. Bus Stand
Canteen, Shirva village,
Udupi taluk, D.K.

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... Petitioner;

(By Sri. M/s. Shetty & Hegde)

AND:

1. Asst. Commissioner,
Kundapur, D.K.

2. Secretary,
Shirva Grama Panchayat,
Shirva Village, Udupi,
Taluk, D.K.

... Respondents;

(K.Nagaraja HCGP for R1;

Sri. G.K. Bhat for R2)

This petition is filed under Arts.226 and 227 of the
Constitution of India praying to quash the order Annexure-A
dated 28-2-1997 passed by R1 and the order Annexure-B dt.20-4-96.

This petition coming on for preliminary hearing in
B group this day, the Court made the following:

ORDER

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The petitioner filed an application for renewal of the trade licence to carry on the business of Hotel near the Bus stand. The said application was rejected by the Gram Panchayath. Aggrieved by the said order the petitioner preferred an appeal before the Assistant Commissioner. The Assistant Commissioner by his order dated 28-2-1997 dismissed the appeal confirming the order of the Gram Panchayath. These two orders are challenged in this petition.

2) The premises in which the petitioner was carrying on business belong to the Gram Panchayath. After the expiry of the lease in respect of the said building the Gram Panchayath has not renewed the lease. If that is so the question of granting trade licence permitting the petitioner to carry on business in the building in respect of which the lease is not subsisting, does not arise. In the said view of the matter, I find that there is no reason to interfere with the order passed by the Assistant Commissioner.

3) In the event if the Gram Panchayath were to renew the lease in favour of the petitioner in respect of the building, it is open to the petitioner to file a fresh application for grant of trade licence to carry on the business. With this observation, writ petition is rejected.

Sd/-
JUDGE

